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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: ECL DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA vs. Jose GARCIA-Arellano	Magistrate's Case No. '08 MJ 2269 COMPLAINT FOR VIOLATION OF 21 U.S.C. 952 and 960 Unlawful Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about July 26, 2008, within the Southern District of California, defendant Jose GARCIA-Arellano did knowingly and intentionally import approximately 516.2 grams of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

7/28/08

Signature of Complainant
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 28th day of July, 2008.

United States Magistrate Judge

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United States of America
VS.
Jose GARCIA-Arellano

PROBABLE CAUSE STATEMENT

On July 26, 2008 at approximately 1919 hours, Jose GARCIA-Arellano entered the United States from Mexico at the San Ysidro Port of Entry (SYSPOE), San Diego, California as a pedestrian. During primary inspections at the pedestrian primary inspection area, Customs and Border Protection Officer (CBPO) G. Cory and CBPO R. Riddle came in contact with GARCIA. CBPO Riddle noticed that GARCIA was the subject of a computer generated alert. CBPO Cory conducted a patdown of GARCIA, and noticed that the bottom of GARCIA's shoes bulged and were inflexible. CBPO Cory then had the shoes x-rayed, and anomalies were noted in the area of the shoes where the bulges appeared.

CBPO Reynaldo Mendoza was then assigned the inspection of GARCIA's shoes; during the inspection CBPO Mendoza discovered two packages containing approximately 516.2 grams of a white powder which field tested positive for the presence of cocaine concealed within the shoes.

GARCIA was advised of his Miranda rights and voluntarily waived those rights, as witnessed by Special Agents Andrew Chace and Bruce Barnes. GARCIA claimed no knowledge of the narcotics concealed in his shoes.

GARCIA was arrested and charged with violation of Title 21 USC 952, 960, Unlawful Importation of a Controlled Substance, and was booked into the Metropolitan Correction Center, San Diego, CA.

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STATEMENT OF FACTS

On July 26, 2008, at approximately 1919 Hours, Jose GARCIA-Arellano entered the United States from the Republic of Mexico at the San Ysidro Port of Entry, San Diego, California. GARCIA applied for entry at the Pedestrian Primary Inspections area, where Customs and Border Protection Officers (CBPO) received a computer generated referral for GARCIA. During an inspection of GARCIA, CBP Officers located approximately 516.2 grams of a white, powdery substance concealed in both of his shoes. A presumptive test of the powder revealed a positive reaction to the presence of cocaine.

GARCIA was advised of his Miranda rights and voluntarily waived those rights, as witnessed by Special Agents Andrew Chace and Bruce Barnes. GARCIA claimed no knowledge of the narcotics concealed in his shoes.

GARCIA was arrested and charged with violation of Title 21 USC 952, 960, Importation of a Controlled Substance, and was booked into the Metropolitan Correction Center, San Diego, CA. The cocaine and shoes were seized under seizure number 2008-2504-0025-3501.